
Publish date:

WQC number: 807-0384-WQC-1

Public Notice

Closing Date:

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

**Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits**

Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Environmental and Public Protection Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Nally & Hamilton Enterprises, Inc.
Mailing Address: P.O. Box 2323 London, KY 40741
Contact Person: Stephen Hamilton
Telephone No: (606)878-1500
E Mail Address: _____

2. **Consultant Name & Address:**
Biological Systems Consultants, Inc.
P.O. Box 54954
Lexington, KY 40555

Telephone No. (859)263-4142
E Mail Address: j@biologicalsystemsconsultants.com

3. **Provide a brief description of the proposed activity and stream impact.**

In order to facilitate coal removal construction of five hollow-fills, five embankment ponds, and one mine through areas is proposed. 2,377 LF of temporary impact for the embankment ponds, corridor, and mine through. 7,761 LF of permanent impact for the hollow-fills.

4. **Project Location Information:**

County: Bell/Harlan ; **USGS Quadrangle Name:** Ewing

Nearest Community & Road Intersection: Path Fork, KY72 and Snelling Lane.

Latitude 35-44-07 **Longitude** -83-30-17

List the names of all streams affected by the proposed project:

UT1-2 Blacksnake Branch, UT3-4 Puckett Creek, Right Fork Mill Creek

5. For each affected watershed provide the acreage above the toe of the lowest permanent structure. HF1-70, HF2-60, HF3 -61, HF4 -50, HF5-120
6. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

Pond H1 – Temporary, Ephemeral, 263 LF
 HF1 – Permanent, Ephemeral, 239
 Pond H2 – Temporary, Intermittent, 233
 Pond H2 – Temporary, Perennial, 80
 Corridor 2 – Temporary, Intermittent, 191
 HF2 – Permanent, Intermittent, 3,295
 Pond H3 – Temporary, Intermittent, 430
 HF3 – Permanent, Intermittent, 1,030
 HF3 – Permanent, Ephemeral, 759
 Pond H4 – Temporary, Intermittent, 380
 HF4 – Permanent, Intermittent, 137
 HF4 – Permanent, Ephemeral, 805
 Pond H5 – Temporary, Intermittent, 400
 HF5 – Permanent, Intermittent, 1,496
 Mine Area 1 – Temporary, Intermittent, 400

7. Provide the acreage of wetlands that would be impacted: N/A
8. Beginning at the nearest intersection of two public roads, provide directions to the project site: From KY 72 and Mill Creek Road intersection travel 1.3 miles NW then left at bridge .
9. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes ☒ No ☐ . If yes, indicate type of application:
 NW 12 ☐ NW 14 ☐ NW 21 ☐ NW 27 ☐ NW 49 ☐
 NW 50 ☐ Individual ☒ Other ☐

Provide the following permit numbers associated with this mining activity:
 SMCRA Permit No. 807-0384 , KPDES No. KYG046461 Pending ☒

10. The following attachments must be provided:

- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

Stephen Homelln, Date: 06/3/11
If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601